

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

BOARD OF TRUSTEES, SHEET METAL)	
WORKERS' NATIONAL PENSION)	
FUND, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	1:19-cv-169 (LMB/MSN)
v.)	
)	
JTL AIR CONDITIONING &)	
REFRIGERATION, INC., <u>et al.</u> ,)	
)	
Defendants.)	

ORDER

On June 4, 2019, the assigned magistrate judge issued a Report & Recommendation [Dkt. No. 12] (the “Report”) recommending that the Court grant plaintiffs’¹ motion for the entry of a default judgment against JTL Air Conditioning & Refrigeration, Inc. (“JTL Air”) and JTL Mechanical Services, Inc. (“JTL Mechanical”) (together, “defendants”). The magistrate judge advised the parties that any objections to the findings of fact or conclusions of law set out in the Report must be filed within 14 days of service. The magistrate judge further advised that failure to file a timely objection waives appellate review of any judgment based on the Report’s recommended findings or conclusions. As of June 19, 2019, no party has filed an objection. For the reasons stated below, the Court adopts the findings and

¹ Plaintiffs are the Board of Trustees of the Sheet Metal Workers’ National Pension Fund (“NPF”), the Board of Trustees of the International Training Institute for the Sheet Metal and Air Conditioning Industry (“ITI”), the Board of Trustees of the Sheet Metal Workers’ Occupational Health Institute Trust (“SMOHIT”), and the Board of Trustees of the National Energy Management Institute Committee (“NEMIC”).

conclusions of the Report in full, and a default judgment will be entered against defendants in favor of plaintiffs in a total amount of \$288,609.35.

The magistrate judge correctly found that the Court has subject-matter jurisdiction over plaintiffs' Employee Retirement Income Security Act ("ERISA") and Labor Management Relations Act ("LMRA") claims. Venue is likewise proper because the plaintiff funds are administered within this judicial district. The magistrate judge correctly determined that service of process on defendants' designated agents was effected on February 14, 2019 (as to JTL Mechanical) and March 13, 2019 (as to JTL Air). Despite defendants' being served with process, no representative has appeared, filed an answer or responsive pleading, or otherwise participated in these proceedings on defendants' behalf. Finally, the magistrate judge correctly found that plaintiffs' complaint—the well-pleaded factual allegations of which must be deemed admitted in light of defendants' default—states viable ERISA and LMRA claims and that JTL Air and JTL Mechanical are jointly and severally liable for delinquent contributions, liquidated damages, accrued interest, audit testing fees, an unpaid judgment, and attorneys' fees and costs.

Having fully reviewed the Report, case file, and plaintiffs' motion for default judgment, along with the supporting memorandum and attachments thereto, the Court adopts the findings of fact and conclusions of law contained in the Report as its own. Accordingly, plaintiffs' Motion for Default Judgment [Dkt. No. 7] is GRANTED, and it is hereby ORDERED that judgment be and is entered in plaintiffs' favor; and it is further

ORDERED that a total judgment of \$288,609.35,² with interest at the federal rate beginning on the date of entry of this Order, be and is entered against defendants JTL Air and JTL Mechanical, jointly and severally, in favor of plaintiffs; and it is further

ORDERED that if defendants fail to comply with any of the terms of this Order, plaintiffs may, in addition to pursuing the remedies provided under Fed. R. Civ. P. 69, reopen this case upon motion to this Court and notice to defendants, and may, at that time, ask for further appropriate monetary and/or injunctive relief, which may include reasonable attorneys' fees and costs incurred in connection with any post-judgment proceedings, including, but not limited to, those incurred to enforce and collect on this judgment.

The Clerk is directed to enter judgment in favor of plaintiffs under Fed. R. Civ. P. 55, to forward copies of this Order to counsel of record, and to close this civil action.

Entered this 20 day of June, 2019.

Alexandria, Virginia



Leonie M. Brinkema
United States District Judge

² This total comprises \$176,173.26 for delinquent contributions; \$35,234.65 in liquidated damages; \$51,925.95 in accrued interest; \$1,230.00 in audit testing fees; \$16,633.48, the amount of a default judgment entered against JTL Air in November 2016; and \$7,412.01 for attorneys' fees and costs accrued through April 23, 2019.